IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

**O R D E R**

S.B. CRIMINAL REVISION PETITION NO. 449/2001

*PREMVEER SINGH Vs. STATE OF RAJASTHAN & ORS.*

DATE: 17.01.2007.

**HON'BLE MR. K.S. RATHORE, J.**

Mr. S.K. Gupta for the petitioner.
Mr. Ashwani Kumar Sharma, PP for the State.
Mr. R.S. Agarwal for the respondents.

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This revision petition under Section 397 r/w Section 401 Cr.P.C. is directed against the judgment dated 19.05.2001 passed by the Additional Sessions Judge, Kotputli, District Jaipur in Criminal Revision No. 6/97 filed against the order dated 10.07.96 passed by the Judicial Magistrate, Kotputli in Criminal Case No. 225/96, by which he accepted the revision and set-aside the order of taking cognizance against respondent Nos. 2 to 9 for the offences under Sections 3(1)(v) and 3(1)(x) of the SC/ST (Prevention of Atrocities) Act, 1989.

The main challenge to the Revisional Court's judgment dated 19.05.2001 is on the ground that the Revisional Court has not properly considered the facts

and circumstances of the case and has passed the judgment contrary to the law laid down by this Court and contrary to the provisions of law. As the prosecution and the complainant are able to show that insult occurred in public view and the trial Court has rightly taken cognizance against the accused for the offences as mentioned herein above.

Learned counsel for the petitioner has placed reliance on the judgment rendered by this Court in the case of ***Gautam Vs. State, reported in 1999 Cr.L.R. (Raj.) 500,*** wherein this Court has held that the two respondents had intentionally insulted and intimidated the petitioner, who is a member of the Scheduled Caste, with intent to humiliate him. Since the occurrence is said to have taken place in board day light and in the presence of the neighbours and the police personnel, it cannot be said that the offence was not committed in 'public view'.

Placing reliance on the judgment rendered by this Court in the aforementioned case of ***Gautam Vs. State (supra),*** he further submits that abusing and insult was occurred in the field in presence of the persons whose names are mentioned in the FIR.

On the other hand, leaned counsel for the respondents as well as learned Public Prosecutor submitted that the Revisional Court has not committed any error as the complaint has not been corroborated by the witnesses adduced and the complainant himself was not present on the spot. It is further submitted that on account of civil dispute regarding land in question between the parties, false complaint has been lodged against the accused-respondents and since the witnesses have not supported the case of the complainant, no case of insult in public view has been made out.

In support of his submissions, the learned counsel for the respondents has placed reliance on the judgment rendered by this Court in the case of ***Dhanpal Jain Vs. State of Rajasthan & Anr., reported in 1998 Cr.L.R.(Raj.) 279,*** wherein this Court has held that no case is made out unless the event occurs in view of public.

He further placed reliance on the judgment rendered by this Court in the case of ***Dilip Singh Vs. State of Rajasthan, reported in 1998 Cr.L.R.(Raj.) 465,*** wherein this Court has observed that other witnesses not supported the prosecution- Contradiction in statement of complainant PW1 and PW6 who were the

interested witness- Relation of accused were strained with PW6- Prosecution has failed to prove the offence and the prosecution is required to prove that the offence committed at the place which was in public view.

I have heard learned counsel for the petitioner, learned counsel for the respondents as well as learned Public Prosecutor for the State and have also carefully gone through the impugned judgment dated 19.05.2001 passed by the Revisional Court.

The Revisional Court has considered each and every aspect and after considering the statements of the witnesses, has observed that there is no allegation that the alleged insult was occurred in public view and thus, the offence under Sections 3(1)(v) and 3(1)(x) of the SC/ST (Prevention of Atrocities) Act is not made out against the accused.

Having throughly considering the law laid down by this Court, the impugned order dated 10.07.96 passed by the trial Court has been quashed and set-aside by the Revisional Court vide its judgment dated 19.05.2001 and the accused-respondents are discharged of offences under Section 4 and Section 3(1)(V)(X) of the SC/ST (Prevention of Atrocities) Act, 1989.

I find no illegality in the impugned judgment passed by the Revisional Court dated 19.05.2001 and no interference whatsoever is required by this Court.

Consequently, the revision petition fails and the same is hereby dismissed.

Record be sent back forthwith.

**(K.S. RATHORE),J.**

/KKC/